

# Notice of Allowability

Application No.

10/823,106

Examiner

Ruth C. Rodriguez

Applicant(s)

VALENTINI, PAOLA

Art Unit

3677

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on 13 September 2005.
2. ☒ The allowed claim(s) is/are 1-12 and 14-65 that will be renumbered 1-64.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee:

Authorization for this examiner's amendment was given in a telephone interview with Peter L. Berger on 29 September 2005.

The application has been amended as follows:

Claim 1, line 9, --said outer sides having-- has been inserted after "that".

Claim 1, line 12, --even when ends of the bracelet or necklace are not connected-- has been inserted between "bracelet" and the ending period.

Claim 14, line 13, --even when ends of the jewelry article are not connected-- has been inserted between "article" and the ending period.

Claim 46, line 15, --even when ends of the jewelry article are not connected-- has been inserted between "article" and the ending period.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, Grand and Trattner discloses a jewelry bracelet or necklace comprises a plurality of individual modules that form the necklace or bracelet that have

a longitudinal axis and outer sides. Jewelry stones mounted one of the outer sides of the individual modules. The individual modules are longitudinally offset with respect to an adjacent module in a substantially fixed relationship to form a spiral pattern along the bracelet or necklace. Grand and Trattner fails to disclose that the jewelry stones are mounted on both outer sides and that the individual modules are longitudinally radially offset with respect to an adjacent module such that the outer sides having the jewelry stones twist around the longitudinal direction to form a spiral pattern along the necklace or bracelet even when the ends of the necklace or bracelet are not connected.

Although it would have been obvious to one having ordinary skill in the art at the time the invention was made to have jewelry stones mounted at the outer sides so that the jewelry stones can be twist around the loop along the longitudinal length of the jewelry bracelet or necklace in accordance with the teachings of Minassin for the bracelet or necklace disclosed by Grand and Trattner so that the stones form a spiral pattern along the loop, it would not have been obvious to form a spiral along the necklace or bracelet even when the ends of the bracelet or necklace are not connected by having have the modules being radially offset with respect to adjacent modules such that the outer sides with the jewelry stones twist around the longitudinal axis.

For claim 14, Grand and Trattner discloses a jewelry article comprising a plurality of modules where each of the modules includes a main body. The main body has a longitudinal axis, a female receptacle and male tab. The female receptacle is disposed inside the main body and accessible via rear portion of the main body. The female receptacle has a first inner surface. The male tab projects from a frontal portion of the

main body and has a second outer surface. The male tab fits within an adjacent of the female receptacle of an adjacent of the modules with the second outer being substantially contactable with the first inner surface of the adjacent female receptacle.

Grand and Trattner fails to disclose that for a certain subset of modules the second outer surface is angularly offset to the first inner surface about the longitudinal axis to angularly offset adjacent of the modules having the offset to form a longitudinal twist to the jewelry article even when the ends of the jewelry article are not connected.

Accordingly, it would not have been obvious to one having ordinary skill in the art at the time of applicant's invention to have some of the modules where the second outer surface is angularly offset from the first inner surface of an adjacent module about a longitudinal axis such that the modules impart a longitudinal twist to the jewelry article even when ends of the jewelry article are not connected.

Regarding claim 46, the same reasons for allowance of claim 14 apply to claim 46 where all of the modules have an outer surface that is radially offset from an adjacent module to impart a longitudinal twist where the longitudinal twist have ornamental surfaces of the modules make a spiral about the longitudinal axis.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Koven (US 2,258,413) is cited to show state of the art with respect to movable settings that allow gemstones to twist.

Gomez (US 6,220,010 B1) and Lord et al. (US 2003/0111005) are cited to show state of the art with respect to a bracelet or necklace having jewelry stones that can twist or move.

Chia et al. (US 5,682,736) is cited to show state of the art with respect to jewelry pieces being twisted and provided with jewelry stones.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

RCR

rcr

September 29, 2005

  
WILLIAM L. MILLER  
PRIMARY EXAMINER